THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 2435 of 2006

DATED 14.02.2006

Between:

T.Vijayalakshmi

..... PETITIONER

AND

The Enquiry Officer cum District Coop.

Audit Officer and others

.....RESPONDENTS

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 2435 of 2006

ORDER:

The petitioner was the Chairperson of Vijaya Cooperative (W) Urban Bank Limited. On inspection of the Urban Bank under Section 52 of the A.P. Cooperative Societies Act, 1964 (the Act) an inquiry was initiated into the affairs of the bank under Section 51 of the A.P. Cooperative Societies Act, 1954. The consequent report implicated the petitioner in some irregularities. As a consequence of the report surcharge proceedings under Section 60 of the Act were initiated against the petitioner at which she had opportunities to defend herself. Of course the petitioner urges a grievance that she had no adequate opportunities to defend herself in the surcharge proceedings. Eventually, by surcharge proceedings dated 25.06.2004, liability was determined on the petitioner, in all in an amount of Rs.5,83,06,592/- plus interest as specified. Aggrieved by the surcharge proceedings the petitioner preferred an appeal before A.P Cooperative Tribunal under Section 76 of the Act. The appeal is pending. Meanwhile, apprehending that the report of the inquiry under Section 51 of the Act would influence the conclusions in the surcharge proceedings and seeking to get rid of the inquiry report, the petitioner preferred a revision to the Registrar of Cooperative Societies-third respondent by proceedings dated 14.07.2004. The third respondent rejected the revision recording that a revision would not be lie against an inquiry report under Section 51 of the Act and that as against the surcharge proceedings the petitioner may pursue an appeal to the Cooperative Tribunal under Section 76 of the Act. Aggrieved, the petitioner preferred a further revision to the fourth respondent. By the proceedings dated 1.12.2005, the 4th respondent rejected the revision recording that no revision under Section 77 of the Act lies against an inquiry report under Section 51 of the Act and against an Inspection under Section 52 of the Act, as the inquiry or inspection report are not a proceedings or order. They are only observations/findings/recommendations, which will have to be considered for appropriate further action.

In substance, the State Goverement-4th respondent concluded rightly that inquiry and inspection reports are intermediary steps in the nature of fact finding proceedings and do not have a sui generis operational efficacy and therefore, no revisional remedy is available.

This Court finds no error either in the application of law, exercise of discretion or analysis of the relevant factual and legal matrix by the 4th respondent, in the impugned proceedings dated 1.12.2005, warranting interference under Article 226 of the Constitution.

The petitioner is at liberty to pursue all her defences and is at liberty to make any submissions on factual and legal aspects in the appeal preferred by her against the surcharge proceedings pending before the A.P. Cooperative Tribunal, Hyderabad.

The Writ petition is dismissed. No costs.

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14-02-2006

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